IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 31943 of 2007(C)

PETITIONER:

M/S.CLASSIC MOTORS, ANGADIPURAM,
MALAPPURAM-679 321, REPRESENTED BY ITS
PARTNER, N.RAJESH, S/O.P.S.NARAYANASWAMY.

BY ADV. SRI.C.P.MOHAMMED NIAS
SRI.SRINATH GIRISH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DEPUTY COMMISSIONER (APPEALS),
KVAT, ERNAKULAM.

3. THE COMMERCIAL TAX OFFICER (AA),
OFFICE OF THE ASSISTANT COMMISSIONER (AA),
MANJERI, MALAPPURAM DISTRICT.

BY GOVT. PLEADER SRI. K.P.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 31943 OF 2007

Dated this the 29th day of October, 2007

J U D G M E N T

Aggrieved by Ext.P3 order whereby the claim made by the petitioner in respect of input tax has been rejected, petitioner filed Ext.P5 appeal and Ext.P6 stay petition. At this stage this writ petition has been filed praying for an expeditious disposal of the appeal as the petitioner apprehends coercive action by Ext.P3 order and Ext.P4 notice of demand.

2. Taking into account the fact that Ext.P5 appeal is pending consideration of the 2nd respondent, I dispose of this writ petition directing the 2nd respondent to consider and pass orders on Ext.P5 appeal, as expeditiously as possible, at any rate, within eight weeks from the date of receipt of a copy of this judgment.

In the meantime further proceedings pursuant to Ext.P4 notice of demand shall stand stayed on condition that the petitioner remits and amount of Rs.40,000/- within three weeks from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

ANTONY DOMINIC, JUDGE

vps